

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES)
OF AMERICA)
)
)
)
V.)
)
MATTHEW MARSH,)
Defendant,)
_____)

CRIMINAL NO. 4:05-cr-40025-FDS

MOTION TO SUPPRESS UNLAWFUL STOP OF DEFENDANT'S VEHICLE AND
SUBSEQUENT SEARCH AND SEIZURE OF BUY MONEY AND ANY SUBSEQUENT
IDENTIFICATIONS OF THE DEFENDANT

Now comes the defendant in the above-entitled indictment and moves to suppress evidence seized from the defendant and the co-defendant's person, all observations and identifications made by individuals and any other evidence seized as a result of the stop of a black Jeep, Massachusetts license plate number 6815 MX by the Fitchburg Police Department on November 9, 2004 while the defendant was driving in the area of Lawrence Street and Goodrich Street in Fitchburg, MA.

The evidence sought to be suppressed consists of currency, all identifications of the defendant and any other items intended to be introduced against the defendants by the government.

The defendant also moves to suppress all fruits of the unlawful stop, including but not limited to any statements made by the defendant, if any, to the police at the time of this stop and all identifications made by officers and other individuals.

In support of this motion, the defendant states that there was no probable cause for the stop of the defendant's vehicle; there was no probable cause for an arrest of the defendant; the search of the defendant and co-defendant was conducted without probable cause; and there was no consent to the search.

Finally, the stop of the automobile, the fruits thereof and items seized as a result of this unlawful arrest are in violation of the principles of Wong Sun v. United States, 371 U.S. 471, 487-88 (1963) and in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

Respectfully submitted,

THE DEFENDANT

By: /s/ Alan J. Black
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